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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,953	04/12/2004	Robert Rak	14677	2376

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Ralph A. Dowell of DOWELL & DOWELL P.C.  
2111 Eisenhower Ave  
Suite 406  
Alexandria, VA 22314

EXAMINER
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SKURDAL, COREY NELSON

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/821,953

Applicant(s)

RAK, ROBERT

Examiner

Corey N. Skurdal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04/12/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/12/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manos (US 6,527,153) in view of Gruber (US 2,727,564).

Regarding claims 1 and 5, Manos discloses the invention substantially as claimed including: a chair with rectilinear frame members 42; a rectangular cooler 38 adapted to fit under the chair and between the frame members; mounting means 34, and 52 mountable to a carrier, each mounting means adapted to engage a portion of the frame members; and tensioning means to urge the frame members into the clips 34, and 52 the tensioning means being an elastic cord adapted to further secure the chair and cooler (col. 4 lines 56-67). Manos also discloses a holder for a cooler combined with a chair or similar object. Manos does not specifically disclose a folding stool having pivotally interconnected rectilinear frame members with a flexible seat, the stool having an open and closed position. However, Gruber teaches a folding stool with a pair of pivotally 3, interconnected rectilinear frame members 1 and 2, flexible seat means 9, an open position (Fig. 1), and a closed position (Figure 2) wherein the frame members are substantially parallel and overlying. Therefore as Manos discloses the use of an object similar to a beach chair, it would have been obvious to one having skill in the art at the

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time of invention to have provided Manos with the stool of Gruber in order to provide a seat usable in more locations. As such, the modified device of Manos satisfies the claim wherein the stool could be mounted in an open position by use of clips 34, shown in Figures 1 and 4 (also refer to col. 4 lines 28-33).

Regarding claim 2, the modified device of Manos discloses the claimed invention including mounting means 34 comprised of spaced apart parallel members 56 and 58 adapted to releasably engage a portion of the frame members.

Regarding claim 3, the modified device of Manos discloses the claimed invention with spaced apart parallel members mounted transversely of the carrier 12, effectively satisfying the claims.

Regarding claim 4, the modified device of Manos discloses the claimed invention with holder and spaced apart parallel members being releasably secured to the carrier by bolts or retained by other suitable means (col. 2 lines 51-56).

Regarding claims 6-9, the modified Manos device discloses the invention as claimed including: the carrier being mounted to a vehicle, the vehicle being pedal driven, the pedal driven vehicle being a bicycle, and the mounting means being mounted transversely the carrier 12 located behind the seat 14 and above the back wheel 16, effectively satisfying the claims.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Naughton (US 5,135,143)

- Belka (US 5,090,717)

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- Simonett (US 5,222,639)

- Jefferson (US 4,195,757)

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNS

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER